

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

UNITED STATES OF AMERICA

v.

EUGENE WEISS

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No. 1:12-00002-1
William J. Haynes, Jr.
Chief Judge, U.S. District Court

MOTION TO CONTINUE TRIAL DATE, PLEA HEARING,
AND RELATED DEADLINES

NOW COMES the defendant, Eugene Weiss, through undersigned counsel, and respectfully requests that this Honorable Court continue the trial presently set for July 16, 2013, and the plea hearing set for July 3, 2013. The reasons for this motion are as follows:

1. 18 U.S.C. § 3161(h)(8)(A) provides, in pertinent part, that any period of delay resulting from a continuance granted on the basis of a court's findings that the ends of justice served by the granting of a continuance outweigh the best interest of the public and the defendant in a speedy trial shall be excluded in computing the time within which the trial must commence.

2. The factors which a judge shall consider in determining whether to grant a continuance are found in § 3161(h)(8)(B)(iv). One such factor is whether denial of a continuance would deny counsel for the defendant "the reasonable time necessary for effective preparation, taking into account the exercise of due diligence."

3. A continuance of the trial is necessary so that counsel may further review, investigate and discuss this case with Mr. Weiss, and finalize the details

of the plea settlement, if necessary. Counsel also requires additional time in which to discuss this case with the government in order to attempt a satisfactory resolution in this matter. Further, in the event that a trial becomes necessary, undersigned counsel wishes to ensure that he is adequately prepared in order to provide effective assistance of counsel to Mr. Weiss.

4. Undersigned counsel has discussed this motion with Assistant United States Attorney Lynne T. Ingram who has expressed no opposition to a continuance of the trial date from and after July 16, 2013. Additionally, this motion has been discussed with Mr. Weiss, who, likewise, has no objection to the granting of a continuance of the trial date in this matter. A speedy trial waiver prepared under the *Plan for Prompt Disposition of Criminal Cases* adopted by this Court, has been executed by Mr. Weiss and is filed with this motion.

WHEREFORE, for the reasons stated herein, defendant Eugene Weiss respectfully requests that the trial of this matter be re-scheduled for Tuesday, October 8, 2013; and plea hearing for Monday, September 23, 2013.

Respectfully submitted,

s/ C. Douglas Thoresen
C. DOUGLAS THORESEN (BPR #004012)
Assistant Federal Public Defender
810 Broadway, Suite 200
Nashville, TN 37203

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2013, I electronically filed the foregoing ***Motion to Continue Trial, Plea Hearing, and Related Deadlines*** with the clerk of the court by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: Lynne T. Ingram, Assistant United States Attorney, 110 Ninth Avenue South, Suite A961, Nashville, TN 37203.

s/ C. Douglas Thoresen
C. DOUGLAS THORESEN